IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil Action No. 1:07-cv-231

C. BURGESS, Plaintiff, vs. EFORCE MEDIA, INC.; et al., Defendants.	**DEFENDANT SHOPZILLA, INC.'S OBJECTIONS TO MAGISTRATE'S RECOMMENDATION NO. 6**

Pursuant to Rule 72(a) of the Federal Rules of Civil Procedure, Defendant Shopzilla, Inc. respectfully submits its Objections to Magistrate Judge Dennis Howell's August 12, 2007 ***sua sponte*** Recommendation No. 6 that the Stipulation of Dismissal (docket # 29) - signed by Plaintiff Albert C. Burgess, Jr. and Shopzilla and filed on July 24, 2007 - be stricken. Shopzilla objects to this recommendation on the same grounds as stated in PriceGrabber.com, Inc.'s objection filed previously today, which is incorporated herein by reference. Shopzilla respectfully requests that the Court not adopt the Magistrate Judge's Recommendation No. 6, and to the extent deemed necessary by the Court, enter an Order that all claims for relief and causes of action by Plaintiff against Shopzilla in this action be dismissed with prejudice, pursuant to the Stipulation of Dismissal signed by Plaintiff and counsel for Shopzilla and filed on July 24, 2007.

Dockets.Justia.com

This the 30th day of August, 2007.

POYNER & SPRUILL LLP

By: s/Keith H. Johnson
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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed a copy of the foregoing ***Defendant Shopzilla, Inc.'s Objections to Magistrate's Recommendation No. 6*** with the Clerk of Court using the ECF system that will send notification thereof to the following:

Kenneth R. Raynor	ken@templetonraynor.com
Jacqueline Grant	jgrant@roberts-stevens.com
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I have further served a copy of the foregoing ***Defendant Shopzilla, Inc.'s Objections To Magistrate's Recommendation No. 6*** and attachments thereto on Plaintiff by depositing a copy thereof in an envelope bearing sufficient postage in the United States mail, addressed to:

C. Burgess
POB 6355
Hendersonville, NC 28793

This the 30th day of August, 2007.

By: s/Keith H. Johnson